

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JUNE 15, 1998
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Wear at 2:20 p.m. Mayor Golding recessed the meeting at 3:48 p.m. The meeting was reconvened by Mayor Golding at 4:02 p.m. with Council Member McCarty not present. Mayor Golding adjourned the meeting at 7:36 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Golding-present
 - (1) Council Member Mathis-present
 - (2) Council Member Wear-present
 - (3) Council Member Kehoe-present
 - (4) Council Member Stevens-present
 - (5) Council Member Warden-present
 - (6) Council Member Stallings-present
 - (7) Council Member McCarty-excused by R-290456
(Birth of first grandchild)
 - (8) Council Member Vargas-present
- Clerk-Abdelnour (ms)

FILE LOCATION: MINUTES

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ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-not present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Vargas-present

ITEM-10: INVOCATION

Invocation was given by Reverend Joel Trout of the North Park Apostolic Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Mathis.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding the issuance of bonds and debt. The moment a bond is issued, debt is created regardless of how the debt is to be paid. He urged the City to finance projects without debt.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-052.)

ITEM-PC-2:

Comment by Daniel Beeman regarding representation and what happened during the last election. He gave statistics on what percentage of the people are registered and voted in Districts 2, 4 and 6.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A063-086.)

ITEM-PC-3:

Comment by Roger Scott about the need for beds for the homeless. The homeless need a safe place to sleep and a little help.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A089-106.)

ITEM-PC-4: REFERRED TO CITY MANAGER AND POLICE DEPARTMENT

Comment by Al Strohlein regarding the accidents at Crown Point. He requested City Council get a history of the traffic accidents that have occurred at or near the north end of Fisherman's Cove Bridge as it enters Crown Point, and to ask the Police Department how many accidents have occurred at the intersections of Ingraham, Crown Point Drive and Riviera Drive.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A122-144.)

ITEM-PC-5:

Comment by Ron Lawson about his need to talk to Council Member Stevens or Mayor Golding about immigration and his problems.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A151-170.)

ITEM-PC-6:

Comment by Alice regarding the need for places for the homeless to sleep.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A175-193.)

ITEM-PC-7: REFERRED TO CITY MANAGER

Comment by Rich Pearson regarding his agreement with Ed Oliva of the City to clean up his house; provide a clean, safe place for his family while the cleaning was being done; and reimbursement for his expenses. He said that none of this has happened.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A195-213.)

ITEM-PC-8:

Comment by Laura Kim about the proposed Padres Ballpark Plan and the lack of suitable alternatives.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A216-235.)

ITEM-PC-9: REFERRED TO THE CITY MANAGER

Comment by Billy Paul regarding the consumption of alcohol in the beach area. He said the alcohol ban is not being enforced in the public right of way along Ocean Front Walk.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A238-264.)

COUNCIL COMMENT:

ITEM-CC-1:

Council Member Kehoe thanked Community Relations Officer Ernesto Servis for his tremendous support during the emergency in Hillcrest last Wednesday. She also expressed her thanks to the 20 member SWAT Team that responded to this incident, and to the Police Department for their quick action.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A270-332.)

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ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

5/19/98 Adjourned
5/25/98 Adjourned
5/26/98
6/1/98 Adjourned
6/2/98 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A343-346.)

MOTION BY KEHOE TO APPROVE THE MINUTES. Second by Warden.
Passed by the following vote: Mathis-yea, Wear-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-31:

SUBJECT: The City of San Diego Commission for Arts and Culture
Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1434) ADOPTED AS RESOLUTION R-290235

Proclaiming June 15, 1998 to be "The City of San Diego
Commission for Arts and Culture Day" in San Diego, in
recognition of the Commission's outstanding
contributions to the cultural environment of San Diego.

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FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A410-519, B040-048.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-32:

SUBJECT: Senior Softball Day.

DEPUTY MAYOR WEAR'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1494) ADOPTED AS RESOLUTION R-290236

Proclaiming June 17, 1998 to be "Senior Softball Day" in San Diego, in recognition of a truly ageless passion of an enjoyable, wholesome and healthy American sport.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A530-593, B040-048.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

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ITEM-33:

SUBJECT: Project Impact - "Sellsway Street" Day.

COUNCILMEMBER VARGAS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1337) ADOPTED AS RESOLUTION R-290237
Proclaiming June 9, 1998 to be "Project Impact -
'Sellsway Street' Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A606-B048.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present,
Vargas-yea, Mayor Golding-yea.

ITEM-34:

SUBJECT: Recognizing the Outstanding Contributions made by
Volunteers in the San Diego Police Department.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1496) ADOPTED AS RESOLUTION R-290238

Recognizing and thanking each and every volunteer in
the San Diego Police Department for their outstanding
contributions to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B051-188, B591-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-50:

SUBJECT: Industrial/Office Space Lease - City Print Shop.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-141) INTRODUCED, TO BE ADOPTED JUNE 29, 1998

Introduction of an Ordinance authorizing the City Manager to execute a seven-year lease agreement with Renee S. Harwick, Trustee of the Renee Sandra Harwick Trust, for approximately 26,400 square feet of space located at 8835 Balboa Avenue;

Authorizing the expenditure of not to exceed \$210,000 FY99 from the Print Shop's Fund Nos. 50010 and 50020, contingent upon approval of the FY99 budget by City Council and upon certification by the Auditor and Comptroller that funds are available.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The City's Print Shop, headquartered at 8835 Balboa Avenue since March 15, 1991 is proposing to renew its lease. The landlord has agreed to install a new roof and replace all the HVAC. In addition, the landlord will be replacing the garage warehouse doors with roll up doors, resealing all windows, replacing panick hardware, cleaning stained carpet areas and replacing some of the commodes. The above capital improvements and repairs will be the landlord's responsibility.

The basic terms of the lease are as follows:

Lessee: City of San Diego Print Shop

Premises: 8835 Balboa Avenue

Square Feet: 26,400

Lease Term: 7 years, effective July 1, 1998 to June 30, 2005.

Rent: \$17,500 per month or \$.66 per square foot. Rent is based on similar space in comparable industrial/office space in the area. The landlord is responsible for the repairs to the premises.

Rent Increases: 3 percent annual increases each year.

Security Deposit: None.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-51:

SUBJECT: Contracts and Competitive Bidding Procedures.

TODAY'S ACTION IS:

Introduction of the following ordinance:

(O-98-36 Cor. Copy 6) INTRODUCED, TO BE ADOPTED
JUNE 29, 1998

Introduction of an Ordinance amending Chapter II, Article 2, Division 2 of the San Diego Municipal Code by repealing Sections 22.0209, 22.0210, 22.0211, 22.0212, and 22.0226; amending Chapter II, Article 2, Division 5, by repealing Sections 22.0504, 22.0507, 22.0508, 22.0509, 22.0510, 22.0511, 22.0512, 22.0513, and 22.0515; amending Chapter II, Article 2, by creating a new Division 30, titled Contract Definitions, Competitive Bidding Procedures, and Contract Alterations Sections 22.3001, 22.3002, 22.3006, 22.3007, 22.3008, 22.3009, 22.3010, 22.3011, 22.3016, 22.3017, 22.3018, 22.3019, 22.3026, 22.3027, 22.3028, 22.3029, 22.3036, and 22.3037; amending Chapter II, Article 2 by creating a new Division 31, titled Public Works Contracts, Sections 22.3101, 22.3102, 22.3103, 22.3104, and 22.3105; amending Chapter II, Article 2, by creating a new Division 32, titled Contracts for Personal Services, Goods, and Consultants, Sections 22.3201, 22.3202, 22.3203, 22.3204, 22.3205, 22.3211, 22.3212, 22.3213, 22.3221, 22.3222, and 22.3223; and amending Chapter II, Article 2, Division 8 by amending Section 22.0804, all relating to Contracting; and amending Chapter VI, Article 5, Division 2, by amending Section 65.0213 relating to Maintenance Districts.

RULES COMMITTEE'S RECOMMENDATION:

On 5/4/98, RULES voted 5-0 to amend the San Diego Municipal Code as proposed to waive bidding requirements for personal service contracts performed by prisoners, probationers and parolees, and

nonprofit organizations that further a social purpose, and to approve an ordinance amending contracting provisions of the Municipal Code, with the provision that it will not be docketed at Council until the Administrative Regulations have been completed and forwarded to Council at the same time. (Councilmembers Mathis, Wear, Warden, McCarty and Mayor Golding voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE WITH A CORRECTION CHANGING THE MANAGER'S AUTHORITY TO APPROVE CONTRACTS FOR INMATE SERVICES AND CONTRACTS FOR SERVICES WITH AGENCIES OR NON-PROFIT ORGANIZATIONS FROM \$250,000 TO \$500,000 AS REQUESTED BY MAYOR GOLDING, AND DIRECT THE CITY MANAGER TO BRING THIS BACK IN ONE YEAR TO SEE HOW IT IS WORKING, AS REQUESTED BY COUNCIL MEMBER STEVENS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-100:

SUBJECT: Lighting and Landscape Maintenance Ballot Procedures.

(See City Manager Report CMR-98-112.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-98-1347) ADOPTED AS RESOLUTION R-290239

Directing the City Manager to change the current maintenance assessment district ballot protest

procedure as follows: 1) ballots shall be tabulated after the close of the public hearing for the levy of proposed assessments; 2) no interim tallies or tabulations shall be prepared or released until the conclusion of the public hearing on the proposed assessments;

Directing the City Manager that in the event of a successful ballot protest procedure for a maintenance assessment district, the City Manager shall not conduct another ballot protest procedure for the levy of assessments in the existing or proposed district for one year from the prior ballot protest procedure. Provided, however, if the margin of loss for levy of the proposed assessment was by 5 percent or less, then the City Manager may conduct another ballot protest procedure for the levy of assessments in the district within at least 90 calendar days from the prior ballot protest procedure.

RULES COMMITTEE'S RECOMMENDATION:

On 1/12/98, RULES voted 4-0 to direct staff to prepare a policy for Council consideration that will include the following actions: 1) do not tally or tabulate the ballots prior to a final count when it comes to hearing at Council; 2) until such time as the Council adopts a policy that all balloting be done in compliance with the proposed policy; 3) direct staff to continue working on process issues and bring a recommended process to the Council at the time the policy is brought back; 4) direct staff to work on a process that could allow re-balloting in 90 days if the margin of loss was narrow or if a citizen-initiated petition process were followed, otherwise no re-balloting until one year; and 5) include in the process a requirement that should an assessment change either up or down in a significant manner, that the cause for that change is included in the ballot argument. (Councilmembers Mathis, Wear, Warden, and McCarty voted yea. Mayor Golding not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-101:

SUBJECT: Two actions related to Child Care Council Policy Amendments.

(See City Manager Report CMR-98-97.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-98-1271) ADOPTED AS RESOLUTION R-290240

Amending Council Policy 300-12 regarding Child Care.

Subitem-B: (R-98-1272) ADOPTED AS RESOLUTION R-290241

Amending Council Policy 900-12 regarding the Business and Industry Incentive Program.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:

On 5/13/98, PS&NS voted 4-0 to accept the City Manager's recommendation. (Councilmembers Stevens, Warden, McCarty and Vargas voted yea. Councilmember Wear not present.)

FILE LOCATION: SUBITEMS A AND B: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-102:

SUBJECT: Equal Opportunity Contracting Program (EOCP) Status Report.

(See City Manager Report CMR-98-82.)

CITY MANAGER'S RECOMMENDATION:

Adopt of the following resolution:

(R-98-1363) ADOPTED AS RESOLUTION R-290242

Accepting the Equal Opportunity Contracting Program Status Report from the City Manager's Report CMR-98-82, dated April 15, 1998, for FY 97 and the first half of FY 98.

PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S RECOMMENDATION:

At the April 22, 1998 Public Safety and Neighborhood Services Committee Meeting, the issue of the Equal Opportunity Contracting Program Status Report was discussed and unanimously voted (4-0) to be moved forward to full Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-103:

SUBJECT: Biennial Review: Conflict of Interest Codes.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1304) ADOPTED AS RESOLUTION R-290243

Directing all local agencies for which the City Council serves as code-reviewing body and for which Conflict of Interest Codes have previously been adopted to review all existing Codes and determine whether their Codes should be amended;

Directing each City department, agency board and commission subject to a Code to review its Code and provide to the City Clerk by August 3, 1998, either a written statement that no amendment is required, or an amended Code for the Council's approval.

CITY CLERK SUPPORTING INFORMATION:

Government Code Section 87306.5 states that, no later than July 1 of each even-numbered year, "Code reviewing bodies" are required to direct each local agency, under their jurisdiction, which has previously adopted a conflict of interest code ("Code") to review that agency's Code. Under this law, the term "code reviewing

body" includes the San Diego City Council and the term "local agencies" includes not only City departments, but also City-owned corporations, certain City boards and commissions, and certain other local agencies (for example, the Housing Commission), for whom the City Council serves as code reviewing body.

Government Code Section 87306.5 also requires local agencies to submit a biennial report identifying changes in their Code, or a statement that their Code is not in need of an amendment. The biennial reports are submitted to the applicable code reviewing body. Following receipt of either the biennial report identifying Code changes, or a statement that no amendment is needed, from each local agency, the Clerk and the City Attorney will prepare a joint report summarizing the submittals. Revised conflict of interest codes will then be submitted to the City Council for approval.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

*** ITEM-104:**

SUBJECT: Three actions related to Approving the Final Subdivision Map of Scripps Ranch North Unit No. 19.

(This is an 89-lot subdivision. Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1241) ADOPTED AS RESOLUTION R-290244

Authorizing a Subdivision Improvement Agreement with Miramar Ranch North, for the installation and completion of public improvements.

Subitem-B: (R-98-1240) ADOPTED AS RESOLUTION R-290245

Approving the final map.

Subitem-C: (R-98-1242) ADOPTED AS RESOLUTION R-290246

Approving the acceptance by the City Manager of a grant deed of Miramar Ranch North, granting to the City Lot F of Scripps Ranch North Unit No. 19, for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 33.902 acre site into 89 lots for residential development. It is located on the north side of Scripps Ranch Boulevard in the Miramar Ranch North Community Planning area. On April 1, 1991 the Subdivision Board of the City of San Diego considered Vesting Tentative Map VTM-90-0898 for Scripps Ranch North Phase 3.

The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Nos. 28304-1-D through 28304-29-D, filed in the Office of the City Clerk under Micro Number 139.71. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,574,412 and a Performance Bond in that amount has been provided as surety. A cash bond in

the amount of \$22,000, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. This subdivision is covered by the McMillin BCED Development Agreement, which provides for the payment of FBA (including parks), at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of issuance of building permits. Development on any property within this map shall pay the fees as set by the City Council and in effect in the community at the time of building permit issuance. Fees will be paid at the time the building permit is issued. The Subdivider, by letter, has given assurance to the City of San Diego that he subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development". Lot F is being deeded to the City at no cost as a condition of Tentative Map approval. The lot totals 5.783 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes.

FILE LOCATION: SUBITEMS A AND B: SUBD-SCRIPPS Ranch
 North Unit No. 19
 SUBITEM C: DEED F-7252

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-105:

SUBJECT: Approving Parcel Map W.O. No. 967846.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1409) ADOPTED AS RESOLUTION R-290247

Approving Parcel Map W.O. No. 967846, being a lot line adjustment and consolidation of Parcels 2, 3, 4 and 6 of Parcel Map PM-17963, including the abandonment of building restricted, sewer and water easements.

CITY MANAGER SUPPORTING INFORMATION:

This lot line adjustment and lot consolidation parcel map reflects a redesign of a previously approved residential condominium project (Map-12768). The map requires City Council approval because easements are being abandoned on the map. Engineering Permit No. W47061 has been issued and a bond in the amount of \$523,631 has been posted to insure completion of the public improvements as shown on engineering drawing No. 29016-D(1-7). The existing building restricted and utility easements are no longer needed because of the redesign. New easements are granted on the map to accommodate the new utility locations. New building restricted easements are being granted to reflect the new locations of the buildings. Staff has determined that the revised project is consistent with all previously approved permits.

FILE LOCATION: SUBD - Parcel Map W.O. #967846 (40)

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-106:

SUBJECT: Termination of Parcel Map PM-17304 Subdivision
Improvement Agreement (Deferred Improvement
Development).

(Torrey Pines Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1340) ADOPTED AS RESOLUTION R-290248

Authorizing the City Manager to terminate a Subdivision
Improvement Agreement (Deferred Improvement
Development), dated February 7, 1994, with Vernon H.
and Lynne Sabin Blackman, for installation and
completion of public improvements necessary to serve
those lots located west of I-5 and south of Del Mar
Heights Road in the Carmel Valley Community Plan area.

CITY MANAGER SUPPORTING INFORMATION:

On February 7, 1994 the City approved Parcel Map PM-17304 and
entered into a Subdivision Improvement Agreement (Deferred
Improvement Development) with Vernon H. and Lynne Sabin Blackman
for the construction of the public improvements necessary to
serve those lots located west of I-5 and south of Del Mar Heights
Road in the Carmel Valley Community Plan area.

The subdivider is now ready to proceed with the development of
the lots, therefore the City Council is requested to terminate
the current deferred improvement agreement.

Engineering Permit No. W47099 and a Performance Bond in the
amount of \$85,834 have now been issued to insure completion of
the improvements shown on Engineering Drawing No. 29023-D(1-3).
The permit and bond replace the agreement.

FILE LOCATION: SUBD-PM-839 Parcel #2

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-107:

SUBJECT: Two actions related to the Construction of Water and Sewer Group 515.

(Ocean Beach, Greater Golden Hill and Sherman Heights Community Areas. Districts-2, 3 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1133) ADOPTED AS RESOLUTION R-290249

Inviting bids for the Construction of Water and Sewer Group 515 on Work Order No. 173051/181971;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$1,741,118 from Water Fund 41500, Annual Allocation Water Main Replacements, CIP-73-083.0 to CIP-73-841.5, Water and Sewer Group 515

and an amount not to exceed \$268,930 from Sewer Fund 41506, Annual Allocation Sewer Main Replacements, CIP-44-001.0 to CIP-44-308.9, Sewer Group 515;

Authorizing the expenditure of an amount not to exceed \$1,741,118 from Water Revenue Fund 41500, CIP-73-841.5, and an amount not to exceed \$268,930 from Sewer Revenue Fund 41506, CIP-44-308.9;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K98090C)

Subitem-B: (R-98-1132) ADOPTED AS RESOLUTION R-290250

Authorizing the use of City Forces in the amount of \$371,816 for construction services as required in connection with Water and Sewer Group 515.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group 515 is a portion of Annual Allocation, Capital Improvement Program to replace undersized and/or deteriorated water and sewer mains. The mains being replaced were originally constructed in the 1920s and have reached their useful life. Replacement of these water and sewer mains will provide the communities with a safe and reliable water and sewer infrastructure well into the next century. This project will construct approximately 9,100 feet of new water main and 1,500 feet of new sewer main in the Greater Golden Hill, Ocean Beach, and Sherman Heights Community areas. The following streets will be affected by construction operations: 1) Greater Golden Hill Community at 32nd Street, from Hawthorne Street to Cedar Street, and Bancroft Street, from Cedar Street to Ash Street; 2) Ocean Beach Community at Del Monte Avenue, from Ocean Front Street to Froude Street; 3) Sherman Heights Community at 25th Street, from "G" Street to Commercial Street. Residents will be notified by

mail at least one month before construction by the City and ten days before construction by the contractor.

WWF-CSD-98-327.

FILE LOCATION: SUBITEMS A AND B: CONT - Ortiz Corporation;
W.O. 173051/181971

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-108:

SUBJECT: San Vicente Reservoir Ramp Repair and Modification.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1426) ADOPTED AS RESOLUTION R-290251

Authorizing the City Manager or his representative to accept and expend grant funds related to the San Vicente Reservoir Ramp Repair and Modification \$65,000 Grant Contract with California Department of Boating and Waterways;

Authorizing the City Auditor to establish a special interest bearing fund for the Grant funds.

CITY MANAGER SUPPORTING INFORMATION:

The San Vicente project includes extending at least two lanes and the rail structure for the boarding float from the end of the existing three lane facility. In addition, the project also includes a sidewalk to the boat dock and a second boarding float that will be attached to the boat dock. The project will enable boaters to continue to enjoy the use of San Vicente reservoir during low water conditions. Without these improvements the launch will remain closed during low water. It has been closed since September 1997. San Vicente is the most popular freshwater fishing and skiing venue in San Diego County. This project is funded by the State of California Boating and Waterways Department.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-109:

SUBJECT: North City Tunnel Connector - Judgement in
Condemnation.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1415) ADOPTED AS RESOLUTION R-290252

Authorizing the City Auditor and Comptroller to transfer \$549,140 from Sewer Fund 41509, CIP-42-926.0, Annual Allocation for the North City Water Reclamation Plant, to Sewer Fund 41509, CIP-42-910.8, North City Tunnel Connector, for payment of the Judgement in Condemnation and related costs;

Authorizing the City Manager to pay the total sum of \$35,860 in contingency funds from CIP-42-910.8, North City Tunnel Connector, for payment of the Judgment in Condemnation and related costs;

Authorizing the City Manager to pay an amount not to exceed \$585,000 from Sewer Fund 41509, CIP-42-910.8, North City Tunnel Connector, for payment of the Judgement in Condemnation and related costs.

CITY MANAGER SUPPORTING INFORMATION:

Resolution R-285103, adopted December 6, 1994, authorized the City Attorney to file a condemnation action for acquisition of the property rights required for construction of the North City Tunnel Connector. The resolution also authorized the expenditure of an amount not to exceed \$450,000 for condemnation and related costs. The action was filed and subsequently went to trial.

The trial resulted in the jury awarding the defendants \$407,636 as additional severance damages. Additionally, the attorney for the defendants has filed a motion which seeks reimbursement of its legal, expert witness and court costs totaling \$289,459.71. Although the motion for reimbursement will be challenged, it is recommended that funds be made available for any payment resulting from the motion. Adoption of the resolution will provide additional funds for payment of the amount awarded in the Judgement in Condemnation and the defendants motion for costs, if any. Therefore, the City Manager recommends adoption of the resolution.

Aud. Cert. 9801308.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-110:

SUBJECT: Transfer of Funds to Purchase and Install a Generator for Sewer Pump Station 27.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1391) ADOPTED AS RESOLUTION R-290253

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$370,000 from Program 777210, Sewer Unallocated Reserve Fund to Sewer Fund 41506, Annual Allocation - Sewer Pump Station Restoration, CIP-46-106.0;

Authorizing the expenditure of an amount not to exceed \$370,000 from Sewer Fund 41506, Annual Allocation - Sewer Pump Restoration, CIP-46-106.0, Sewer Pump Station 27 - Temporary Power;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer

excess budgeted funds to the appropriate reserve;

Authorizing the City Manager to use City Forces, in the amount of \$55,000 from Sewer Fund 41506, CIP-46-601.4, Sewer Pump Station 27 - Temporary Power, for additional minor construction services related to the project.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station 27 is located in Mata Park at 2121 Avenida De La Playa, between Paseo Grande and El Paseo Del Ocaso. This sewer pump station was constructed in 1972 and is scheduled for an upgrade.

The design for the upgrade has begun and construction is scheduled in two years. However, due to numerous power outages in the area, Wastewater Collections Division has requested an interim secondary source of power. This generator will provide a back up power source to reduce the possibility of future sewage spills and to maintain the pump station in the event of an electric power failure. The Purchasing Agent will advertise and solicit bids to purchase this generator.

Aud. Cert. 9801333.

WWF-98-337.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-111:

SUBJECT: Sewer Pump Station No. 11 - Force Main Fittings
Repair/Replacement.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1365) ADOPTED AS RESOLUTION R-290254

Authorizing the Auditor and Comptroller to transfer not to exceed \$226,500 from Fund 41506, CIP-41-920.0, Sewer Pump Station No. 43 - Upgrades to Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration (\$101,500 is for Sub-Project 46-106.2 and \$125,000 is for FY 98 anticipated needs for all other Sub-Projects);

Authorizing the expenditure of not to exceed \$101,500 from Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration/Sub-Project 46-106.2, Sewer Pump Station No. 11 - Force Main Replacement for In-House Design and related costs.

CITY MANAGER SUPPORTING INFORMATION:

Sewer Pump Station No. 11 is located in Mission Beach along the shoreline in front of Capistrano Place. The project became necessary as an accelerated project because of a recent break on this force main at a fitting, which was caused by corrosion from exposure to salty groundwater.

Therefore, there is a possibility that the force main's other fittings may be susceptible to failure. This project is to

investigate and prepare plans for the repair or replacement of the fittings to meet higher reliability standards along the force main.

Aud. Certs. 9801290/9801298.

WWF-98-334.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-112:

SUBJECT: Biona Drive Storm Drain Replacement.

(Kensington Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1412 COR.COPY) ADOPTED AS RESOLUTION R-290255

Vacating a drainage easement in Lots 1 and 2, Block B, and Lots 2-5, Block A, Kensington Park Annex, Map-1780;

Authorizing the execution of a quitclaim deed, quitclaiming to Jack W. Page and Helen F. Page, husband and wife as joint tenants, all the City's right, title

and interest in an unneeded drainage easement over a portion of Lot 1, Block B, Kensington Park Annex, Map-1780;

Authorizing the execution of a quitclaim deed, quitclaiming to Elvira Fernandez, as Trustee, or her successors, in Trust, U/D/T, dated January 12, 1995, F/B/O the Elvira Fernandez Living Trust, all the City's right, title and interest in an unneeded drainage easement in a portion of Lot 2, Block A, Kensington Park Annex, Map-1780;

Authorizing the execution of a quitclaim deed, quitclaiming to Beverly Jean Logan as to an undivided one-half interest and William Davis, Sr. as to an undivided one-half interest, all the City's right, title and interest in an unneeded drainage easement over a portion of Lots 3, 4 and 5, Block A, Kensington Park Annex, Map-1780;

Approving the acceptance by the City Manager of the easement deed of Jack W. Page and Helen F. Page, husband and wife as joint tenants, granting to the City the northerly 10 feet of the westerly 75 feet of Lot 1, Block B of Kensington Park Annex, Map-1780;

Authorizing the expenditure of not to exceed \$3,500 from the Biona Storm Drain Replacement Fund 30244, Org. 101, Object Account 4638, CIP-17-001.0, for property acquisition and related costs.

CITY MANAGER SUPPORTING INFORMATION:

This replacement easement is required in conjunction with the new storm drain being placed in Adams Avenue. The new drain will replace the existing six-foot storm drain easement currently running beneath the residences at 4711-4721 Biona Drive. The existing storm drain has caused a sinkhole beneath the building

which was repaired by the City. Upon completion of the new storm drain, the existing storm drain easement will be abandoned and quitclaimed to the owners of 4711-4721 Biona Drive, 4716-4718 Biona Drive and 4200-4204 Adams Avenue. The existing easement has been reviewed by all affected City Departments and there is no prospective use for the easement either for the use for which it was originally acquired or for any other public use of a like nature that can be anticipated, therefore abandonment is recommended.

Aud. Cert. 9801351.

FILE LOCATION: DEED F-7253

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-113:

SUBJECT: Contract Amendment to the Emergency Construction of Peterlynn Drive Storm Drain.

(Otay Mesa-Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1386 COR.COPY) ADOPTED AS RESOLUTION R-290256

Authorizing the City Manager to increase the expenditure to the contract with Arrieta Construction,

for the construction of Peterlynn Drive Storm Drain by \$500,000 to a total contract amount of \$1,342,660;

Amending the Fiscal Year 1998 Budget by increasing CIP-12-084.0 (Peterlynn Storm Drain) by \$500,000;

Authorizing the City Auditor and Comptroller to appropriate and transfer an amount not to exceed \$500,000 from the Storm Drain Public Liability Fund, Fund No. 10508 to CIP-12-084.0 (Peterlynn Drive Storm Drain);

Authorizing the expenditure of an amount not to exceed \$500,000 from CIP-12-084.0, Fund No. 10508.

CITY MANAGER SUPPORTING INFORMATION:

Heavy rain in February 1998, caused failure of deteriorated corrugated metal storm drain pipes in Marzo Street and Kostner Street in the Otay Mesa area. Sinkholes up to forty feet in diameter opened on Marzo Street and cut off access and underground utilities to existing homes. Arrieta Construction was retained in February 1998 to repair the sinkholes and replace deteriorated CMP pipes. This emergency contract executed with Arrieta only covered replacement of a portion of the deteriorated CMMP in the area. Replacement of the deteriorated CMP is necessary to eliminate the risk of street collapse due to the weakened soil condition around the storm drain pipes. The contract amendment will allow pipe replacement to occur in Kostner Drive and Peterlyn Drive.

Aud. Cert. 9801345.

FILE LOCATION: CONT-Arrieta Construction

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-114:

SUBJECT: 25th 'Silver' Pastoral Anniversary Day for Dr. and Sister Walter G. Wells.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1398) ADOPTED AS RESOLUTION R-290257

Commending Dr. and Sister Walter G. Wells for their commitment and dedication;

Proclaiming June 14, 1998 to be "25th 'Silver' Pastoral Anniversary Day for Dr. and Sister Walter G. Wells" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-115:

SUBJECT: Dr. Timothy Winters 25th 'Silver' Pastoral Anniversary Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1399) ADOPTED AS RESOLUTION R-290258

Commending Dr. Timothy Winters for twenty-five years of unselfish ministry, dedication and devotion;

Proclaiming June 24, 1998 to be "Dr. Timothy Winters 25th 'Silver' Pastoral Anniversary Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-116:

SUBJECT: AIDS Walk San Diego "A Night to Remember."

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1378) ADOPTED AS RESOLUTION R-290259

Recognizing the efforts of Barbra Blake, Timothy Williams, Garrett Dettling, Scott Fulkerson, Joy Galloway and Carole Norman for their selfless and untiring efforts, personal contributions and unending drive in their pursuit of improving the quality of life for San Diegans living with AIDS and HIV and educating all others on the lifesaving facts related to HIV and AIDS;

Proclaiming Thursday, June 18, 1998 to be "A Night to Remember" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-117:

SUBJECT: William J. Corbett, Jr. Day.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1435) ADOPTED AS RESOLUTION R-290233

Recognizing and commending William J. Corbett, Jr. on the occasion of his retirement and thanking him for his many years of exemplary professional and community service to the City;

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for the Regular Meeting of Monday, June 15, 1998**

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Proclaiming June 22, 1998 to be "William J. Corbett,
Jr. Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present,
Vargas-yea, Mayor Golding-yea.

* ITEM-118:

SUBJECT: Second Amendment to the Agreement with Conwell
Shonkwiler and Associates Regarding the Development of
the Point Loma Library.

(Point Loma Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1362 COR.COPY) ADOPTED AS RESOLUTION R-290260

Authorizing a second amendment to the agreement with
Conwell Shonkwiler and Associates, for professional
services required for the development of the Point Loma
Library;

Authorizing an increase in the Point Loma Library
CIP-35-0670 by transferring an amount not to exceed
\$100,000 from DIF Fund No. 79508;

Authorizing the expenditure of an amount not to exceed \$100,000 from DIF Fund 79508, Dept. 30244, Org. 106, Point Loma Library Fund 305670.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an agreement with Architect, Veitzer Shonkwiler, AIA on September 8, 1986 (Document No. RR-266536) for the design of the expansion of the Point Loma Library. The design was partially completed through the conceptual design phase, then stopped due to the lack of project funding. The First Amendment to the Agreement was signed with Conwell Shonkwiler and Associates on May 5, 1997 (Document No. RR-288622) for the professional services to design the new Point Loma Library to be located at the southwest corner of Voltaire Street and Poinsettia Drive, including demolition of the existing Library. This proposed Second Amendment to the Agreement with Conwell Shonkwiler and Associates will provide additional professional services for a modified scope of the project. The scope of work for this amendment includes an increase in the library area, addition of a Community Service Center, conversion of the existing library site into a park with street closure, and improvement of the existing parking lot shared with a church. The improvement of the existing shared parking lot is required to accommodate parking for the new library and community service center.

Aud. Cert. 9801305.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-119:

SUBJECT: Fourth Amendment to the Agreement with Kercheval Engineers for Dairy Mart Road and Bridge Improvements Project.
(Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1414) ADOPTED AS RESOLUTION R-290261

Authorizing a fourth amendment to the agreement of January 23, 1995 with Kercheval Engineers for additional construction services in connection with the Dairy Mart Road & Bridge Improvements Project;

Authorizing the expenditure of not to exceed \$400,000 from Fund No. 41509, CIP-45-923.0, Dairy Mart Road & Bridge Improvements, and the expenditure of not to exceed \$63,666.50 from Fund No. 41509, CIP-45-923.0, Dairy Mart Road & Bridge Improvements, provided that the City Auditor first furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On January 23, 1995, the City Council approved the agreement between the City and Kercheval Engineers to provide design and construction services for the Dairy Mart Road and Bridge Improvements Project. The agreement was amended July 13, 1995, as a no-cost amendment, to revise contract exhibits. The agreement was amended a second time on September 9, 1996 to

include additional effort due to permitting and environmental issues. The agreement was amended a third time on September 30, 1996, as a no-cost amendment, to include new contract language. The funds requested in this amendment will cover the additional effort required during the construction of the project. When the contract was originally negotiated in 1994, a minimal level of effort for the construction phase was assumed. Because the project is more complex than originally assumed, a greater level of effort is needed to review submittals, respond to requests for information and to administer the construction phase of this project. This amendment will also provide additional staff to monitor the construction activities in anticipation of a construction claim due to differing site conditions and for additional services which may be required during the remaining portion of the construction contract (currently scheduled to be complete by Winter 1999).

Aud. Cert. 9801358.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-120:

SUBJECT: Two actions related to the Agreement with MacDonald-Stephens, Engineer, Inc. Regarding the Design of 65th and Herrick Water Pump Plant.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1427) ADOPTED AS RESOLUTION R-290262

Authorizing an agreement with MacDonald-Stephens, Engineer, Inc. to provide engineering consultant services for an amount not to exceed \$183,407, for the design of 65th and Herrick Water Pump Plant;

Authorizing the City Auditor and Comptroller to transfer \$240,000 from CIP-73-277.0, Annual Allocation - Standpipes and Reservoirs to CIP-73-229.0, 65th and Herrick Water Pump Plant;

Authorizing the expenditure of not to exceed \$328,146 from CIP-73-229.0, 65th and Herrick Water Pump Plant, provided that the City Auditor first furnishes a certificate demonstrating that the funds are, or will be, on deposit in the City Treasury.

Subitem-B: (R-98-1428) ADOPTED AS RESOLUTION R-290263

Certifying that the information contained in LDR-98-1359, has been completed in compliance with the California Environmental Quality Act of 1970, and State guidelines, that the Mitigated Negative Declaration, reflects the independent judgment of the City as Lead Agency, and that the Declaration has been reviewed and considered by the Council; adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

The existing pump plant was constructed in 1949 and is underpowered for current system operating parameters. During the summer seasons the 65th and Herrick Water Pump Plant cannot meet

demands to supply water to the outlying community and other water pump stations are overtaxed to support it. The existing wooden framed pump plant building is aged and in need of grave repairs. The energy costs are excessive as existing pumps operate at less than 40 percent efficiency. The current design includes construction of a new masonry pump plant building including 4-100 horsepower pumps with variable speed drives. With each pump capable of operating at a range between 550 gallons per minute to 1,300 gallons per minute, the new pump plant will efficiently meet current water demands in the service area throughout the entire year. The existing old pump plant will continue to operate during construction, therefore, reducing impacts to water customers. Upon installation of new pumps, appurtenances, and completion of the new pump plant building, the old pump plant will be decommissioned and the existing wooden framed building removed.

Aud. Cert. 9801350.

FILE LOCATION: SUBITEMS A AND B: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-121:

SUBJECT: Change Order No. 1 for the Fiesta Island Replacement Project, Phase II - Digested Sludge and Centrate Pipeline.
(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1342) ADOPTED AS RESOLUTION R-290264

Authorizing the City Manager to enter into negotiations to execute Change Order No. 1 with Familian Commercial in connection with the Fiesta Island Replacement Project (FIRP), Phase II - Digested Sludge and Centrate Pipeline, with the cost of the change order not to exceed \$434,982;

Authorizing the expenditure of an amount not to exceed \$599,126 from Fund 41509, CIP-40-921.0, FIRP Phase II Digested Sludge & Centrate Pipeline, as follows: \$434,982 for Change Order No. 1 with Familian Commercial, and \$164,144 for additional project contingency.

CITY MANAGER SUPPORTING INFORMATION:

Construction of the Fiesta Island Replacement Project (FIRP), Phase II, Digested Sludge and Centrate Pipeline is substantially complete. This pipeline is used to pump sludge from the Point Loma Wastewater Treatment Plant to the Metro Biosolids Center at Marine Corps Air Station Miramar. This action will authorize allocation of funds remaining in the FY98 CIP budget for this project in order to complete start-up and commissioning activities. This action also includes \$158,000 from the budget to fund purchase of parts to repair components of an underground cleaning station which flooded during earlier start-up activities. Staff has prepared a request to cover these costs through the City's construction insurance policy.

Aud. Cert. 9801320.

FILE LOCATION: CONT-Familian Commercial

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-122:

SUBJECT: Neighborhood Watch Recognition Day.

COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1489) ADOPTED AS RESOLUTION R-290265

Recognizing and thanking each and every member of the Neighborhood Watch Program for keeping our neighborhoods safe and secure;

Proclaiming June 28, 1998 to be "Neighborhood Watch Recognition Day" in San Diego, in honor of the Neighborhood Watch Night with the San Diego Padres.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-123:

SUBJECT: Three actions related to Honoring Gary Dennis, Jim
Dennis and Lee Dennis for their Community Service and
Donation of Land for the Allied Gardens Little League.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1492) ADOPTED AS RESOLUTION R-290266

Gratefully acknowledging Gary Dennis for his generous
gift of land and commending him for his never ending
spirit of community involvement and making the City of
San Diego a better place to live.

Subitem-B: (R-98-1491) ADOPTED AS RESOLUTION R-290267

Gratefully acknowledging Jim Dennis for his generous
gift of land and commending him for his never ending
spirit of community involvement and making the City of
San Diego a better place to live.

Subitem-C: (R-98-1493) ADOPTED AS RESOLUTION R-290268

Gratefully acknowledging Lee Dennis for his generous
gift of land and commending him for his never ending
spirit of community involvement and making the City of
San Diego a better place to live.

FILE LOCATION: SUBITEMS A,B,C: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTIONS. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-200:

SUBJECT: Two actions related to Mission Beach Boardwalk Widening (Eastern Alternative) and Certifying Environmental Impact Report EIR-96-0721.

(See City Manager Report CMR-98-103. Mission Beach and Pacific Beach Community Areas. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1281 REV.1; COR.COPY) ADOPTED AS
RESOLUTION R-290269

Adopting the Five-Phase Mission Beach Boardwalk Widening Project (Eastern Alternative);

Increasing the Fiscal Year 1998 Capital Improvement Budget (CIP) by transferring \$25,000 from Transp (Fund No. 30303) to CIP-52-533, and amend the FY98 CIP by transferring \$125,000, Transient Occupancy Tax (TOT) (Fund No. 102232), to CIP-52-533, Mission Beach Boardwalk Widening for the eastern alternative Phase 1A widening;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$25,000 from Transp (Fund No. 30303) fund balance to

CIP-52-533, Mission Beach Boardwalk Widening, for the eastern alternative Phase 1A widening from Ventura Place and Santa Barbara Place, about 750 linear feet;

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$125,000 from the Coastal Infrastructure & Facilities Transient Occupancy Tax (TOT), Pacific Beach Lifeguard Tower and Restroom Design Project (Fund No. 102232/Dept. 9144) to CIP-52-533, Mission Beach Boardwalk Project, for the purpose of preparing plans and specifications and constructing Phase 1A of the Eastern Boardwalk Widening Project;

Authorizing the City Manager to continue to seek grant funding for the balance of the project.

Subitem-B: (R-98-1282) ADOPTED AS RESOLUTION R-290270

Certifying that the information contained in Environmental Impact Report EIR-96-0721, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines; that the declaration reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council;

Adopting findings made with respect to the project, and the Mitigation Monitoring and Reporting Program.

Aud. Cert. 9801282.

FILE LOCATION: SUBITEMS A AND B: MEET

COUNCIL ACTION: (Tape location: C086-G266.)

MOTION BY WEAR TO APPROVE THE MANAGER'S RECOMMENDATION OF THE THIRTEEN ACTIONS TO APPROVE THIS PROJECT, AND TO ADOPT THE RESOLUTIONS. ALSO, AS REQUESTED BY COUNCIL MEMBER VARGAS, TO START WITH THE PEDESTRIANS ALONG THE WEST SIDE OF THE BOARDWALK BY THE WALL AND THE BICYCLISTS TO THE EAST. Second by Mathis.

Substitute motion by Stallings to direct the City Manager to negotiate long term fair market leases with ocean front walk property owners for the use of the twelve foot encroachment and earmark these revenues for enforcement along the boardwalk for boardwalk infrastructure needs and landscape improvements. Also with that money the Chief of Police can take more appropriate measures to enforce the existing laws along the boardwalk. Impose a trial ban on wheeled uses along the boardwalk on weekends between the hours of 11:00 a.m. and 6:00 p.m., commencing with the first weekend in July and ending the second weekend in September. Second by Stevens. Failed. Yeas-4,6. Nays-1,2,3,5,8,M. Not present-7.

Motion by Wear passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-nay, Warden-yea, Stallings-nay, McCarty-not present, Vargas-yea, Mayor Golding-nay.

ITEM-201:

SUBJECT: Implementation of Job Order Contracting System.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-975 Cor. Copy) ADOPTED AS RESOLUTION R-290271

Authorizing the City Manager to prepare plans and specifications for the furnishing of all labor, material, tools, equipment, transportation, and any other expense necessary or incidental for as-needed construction contract services with the Metropolitan Wastewater Department's Job Order Contracting System, in substantially the same form and detail as Resolution No. R-287546 (Job Order Contract II);

Authorizing the City Manager to publish in accordance with law, a notice to contractors calling for bids for the above job order contracting system work;

Authorizing the City Manager to execute a contract with the lowest responsible bidder, only after the enactment and effective date of Municipal Code procedures and limitations governing job order contracts;

Authorizing the expenditure of not to exceed \$8,000,000 from Fund Nos. 41500, 41506, 41508 and 41509.

CITY MANAGER SUPPORTING INFORMATION:

In October 1995, the City Manager executed a contract with F.H. Paschen/S.N. Neilsen, Inc., the lowest responsible bidder for the Job Order Contract (JOC) for an amount not to exceed \$1,000,000. Subsequently, in April 1996, Council Resolution No. R-287125 authorized an additional \$2,000,000 for a total not to exceed amount of \$3,000,000. In June, 1996 the City Manager executed a second Job Order Contract (JOC) with R.E. Hazard, for the amount of \$5,000,000. Subsequently, in May, 1997, Council Resolution No. R-287546 authorized an additional \$5,000,000 for a total not to exceed amount of \$10,000,000. Each JOC is competitively procured using a request for bid and has a pre-established minimum and maximum dollar amount. The contractor bids a factor or multiplier which is applied to all of the unit prices in the unit price book. The contractor with the lowest factor and a responsive, responsible bid is awarded the contract. When work

is ordered by task order, the contractor and the City's representative meet to scope the work and prepare a task order. Appropriate unit priced items are selected from the contract document, the number of units are identified, and the contractor's factor is applied to the costs pulled from the contract documents. Work is accomplished by the issuance of individual task orders to the contractor. The City is under no obligation to pay the contractor any more than the \$50,000 minimum contract obligation, and therefore the contractor has an incentive to deliver quality work in a timely fashion in order to get additional work. JOC has been in use in various public agencies since the mid 1980s. Agencies currently using JOC include Los Angeles County, Ventura County, San Diego County, City of New York, City of Chicago, the U.S. Army, U.S. Navy, U.S. Air Force, NASA, HUD and the U.S. Postal Service among others.

Under the current Job Order Contract a budget of \$8,031,980 was approved for 64 MWWWD jobs. These jobs were accomplished for \$6,048,711.42 which is \$638,617.68 less than the contractor's initial proposals. The continuation of the Job Order Contract system will enable the Metropolitan Wastewater Department to achieve its objective of rapidly engaging contractors in critical and necessary work while lowering costs.

MBE/WBE: Due to the nature of the as needed construction contract projects, the percentage of MBE/WBE subcontractors is dependent upon the tasks authorized by the City and type of work required by those tasks. The Job Order Contracting System which is currently in place has attained a 28.83 percent MBE/WBE percentage to date.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-202:

SUBJECT: Amendment No. 14 to the Agreement with Westinghouse Electric Corporation for the City's Wastewater Operations Management Network (COMNET).

(See City Manager Report CMR-98-118.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1341) RETURNED TO THE CITY MANAGER

Authorizing a fourteenth amendment to the agreement of August 8, 1994, with Westinghouse Electric Corporation for additional work in connection with the City's Wastewater Operations Management Network (COMNET), in an amount not to exceed \$10,210,839;

Authorizing the Auditor and Comptroller to transfer the following amounts:

\$5,000,000 from Annual Allocation, Point Loma Treatment Plant, to Fund No. 41509, CIP-45-920, Wastewater Operations Management Network (COMNET);

\$500,000 from Program 777210, Unallocated Reserve, to Fund No. 41509, CIP-45-920, Wastewater Operations Management Network (COMNET);

\$371,160 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), to Fund No. 41509, CIP-46-055.0, FIRP Pump Station;

\$183,068 from Fund No. 41509, CIP-45-920.0, Wastewater Operations Management Network (COMNET), to Fund No. 41509, CIP-42-911.4, Metro Biosolids Center;
Authorizing the expenditure of not to exceed \$10,210,839 as follows:

\$72,553 from Dept. 771, Organization No. 261, Job Order 2261;
\$6,553,637 from CIP-46-920.0, Wastewater Operations Management Network (COMNET);
\$371,160 from CIP-46-055.0, FIRP Pump Station;
\$1,152,257 from CIP-42-911.4, Metro Biosolids Center;
\$216,000 from CIP-46-129.0, Point Loma - Digesters N1 & N2, Roofs and Heating Systems;
\$1,408,691 from CIP-46-179.0, Point Loma - Power Generation & Distribution Upgrade;
\$168,904 from CIP-46-120.0, Penasquitos Trunk Sewer Relief;
\$201,094 from CIP-46-188.0, Pump Station 64 HPO Injection;
\$66,543 from CIP-40-921.0, FIRP Phll Digested Sludge & Centrate Pipeline;

Authorizing the City Manager to revise contract phase funding with Westinghouse Electric Corporation;

Authorizing the Auditor and Comptroller to transfer funds to reappropriate previously approved contract phase funding.

Aud. Certs. 9801271/9801279.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW, AS REQUESTED BY THE CITY MANAGER. Second by Wear. Passed by the following vote:

Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-not present, Vargas-yea, Mayor
Golding-yea.

ITEM-203:

SUBJECT: Two actions related to Year-End Budget Adjustments.

(See the City Manager's Report.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution in Subitem A and hold the
first public hearing of the ordinance in Subitem B:

Subitem-A: (R-98-1430) ADOPTED AS RESOLUTION R-290272

Authorizing Year-End Budget Adjustments.

Subitem-B: (O-98-147) HEARING HELD

First public hearing of an Ordinance amending Ordinance
No. O-18424 (New Series), titled "An Ordinance Adopting
the Annual Budget for the Fiscal Year 1997-98 and
Appropriating the Necessary Money to Operate the City
of San Diego for Said Fiscal Year."

NOTE: See Item 335 on the docket of Tuesday, June 16, 1998, for
the introduction and adoption of the Ordinance.

FILE LOCATION: SUBITEM A: MEET; SUBITEM B: NONE

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT THE RESOLUTION IN
SUBITEM A AND APPROVE THE FIRST HEARING FOR SUBITEM B.
Second by Wear. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-204:

SUBJECT: Two actions related to Water System Financing Program.

(See City Manager Report CMR-98-129.)

CITY MANAGER'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the
resolution in Subitem B:

Subitem-A: (O-98-148) INTRODUCED, TO BE ADOPTED JUNE 29,
1998

Introduction of an Ordinance approving the form of and
authorizing the execution and delivery of a Master
Installment Purchase Agreement, a 1998 Supplement to
the Master Installment Purchase Agreement and a Trust
Agreement relating to an Installment Purchase
Financing, and approving certain other agreements and
actions, pursuant to Section 99 of the City Charter.

NOTE: 6 votes required pursuant to Section 99 of the City
Charter. A notice of public hearing was published in the
Daily Transcript on 6/3/98.

Subitem-B: (R-98-1488 COR.COPY) ADOPTED AS RESOLUTION
R-290273

Approving the form of and authorizing the execution and delivery of a Purchase Contract, a Continuing Disclosure Agreement and an Official Statement relating to an Installment Purchase Financing and restating the Articles of Incorporation of the San Diego Facilities and Equipment Leasing Corporation.

FILE LOCATION: SUBITEM A: NONE; SUBITEM B: MEET

COUNCIL ACTION: (Tape location: B189-631.)

Hearing began at 3:20 p.m. and halted at 3:47 p.m.

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-205:

SUBJECT: Two actions related to Convention Center Expansion.

(See City Manager Report CMR-98-128. Centre City Community Area. District-2.)

TODAY'S ACTIONS ARE:

Take public testimony and have Council discussion on both Subitems A and B. Subitem B will be trailed to Tuesday, June 16, 1998:

Subitem-A: (O-98-136) HEARING HELD

First public hearing of an Ordinance amending Ordinance No. O-18424 (New Series), titled "An Ordinance Adopting

the Annual Budget for the Fiscal Year 1997-98" by continuing the Capital Improvements Program Budget for the Convention Center Expansion Project.

NOTE: This ordinance requires two public hearings. Today's action is the first public hearing. See Item 337 on the docket of Tuesday, June 16, 1998 for the second public hearing and introduction and adoption of the Ordinance.

Subitem-B: (R-98-1318) TRAILED TO TUESDAY, JUNE 16, 1998

Authorizing the City Manager to enter into a Phase VIII Interim Agreement with Golden Turner, to permit Golden Turner to re-mobilize staff and re-establish the job-site, demolish the USO building, work on the preliminary utility relocation bid package, begin preparation of bid packages, and perform other tasks necessary and related to the Convention Center Expansion, which Interim Agreement shall be in the amount of \$552,700, subject to certification of the City Auditor and Comptroller that appropriate funding is available;

Authorizing the Auditor and Comptroller to appropriate and expend from the Convention Center Expansion Fund 102212, an amount up to \$552,700, as may be required for interim funding of the Golden Turner Phase VIII Interim Agreement, with the intent that such interim funding may be reimbursed from future Project funding sources, such as bond proceeds and Port District Contribution;

Authorizing the City Manager to utilize, if necessary and subject to certification of availability of funds by the City Auditor and Comptroller, \$3,000,000 from the Owner's Contingency to fund actual hard construction costs, prior to incorporating deductive alternatives into the Project.

Aud. Cert. 9801380.

FILE LOCATION: SUBITEMS A AND B: NONE

COUNCIL ACTION: (Tape location: G268-424.)

Hearing Held for Subitem A. Subitem B trailed to Tuesday,
June 16, 1998.

ITEM-S400:

(Continued from the meeting of June 8, 1998, Item 36,
at Councilmember McCarty's request, in order for the
Serra High School Boys' Lacrosse Team to be present to
accept the resolution.)

SUBJECT: Serra High School Boys' Lacrosse State Champions Day.

COUNCILMEMBER McCARTY'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1368) ADOPTED AS RESOLUTION R-290274

Proclaiming June 8, 1998, as "Serra High School Boys'
Lacrosse State Champions Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A347-409, B040-048.)

MOTION BY KEHOE TO ADOPT. Second by Wear. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present,
Vargas-yea, Mayor Golding-yea.

* ITEM-S401:

SUBJECT: Adjourning the Council Meeting of 6/16/98 to 10:00 A.M.
6/19/98 at 111 W. Harbor Drive in the Convention Center
Expansion Parking Lot for the Sole Purpose of a Council
Vote on Items 205b and 337.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1498) ADOPTED AS RESOLUTION R-290234

Declaring that the City Council meeting of June 16,
1998 shall be adjourned to Friday, June 19, 1998,
scheduled to commence at 10:00 a.m., and shall be
conducted at 111 W. Harbor Drive in the Convention
Center Expansion Parking Lot, San Diego, for the sole
purpose of a Council vote on Items 205b and 337 on the
docket relating to the Convention Center Expansion;

Directing the City Clerk to post and publish, as
necessary, the notice of such meeting with the date,
time, and location and make necessary preparations and
arrangements.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed
by the following vote: Mathis-yea, Wear-yea, Kehoe-yea,
Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present,
Vargas-yea, Mayor Golding-yea.

ITEM-S402:

(Continued from the meetings of May 18, 1998, Item 103;
and June 8, 1998, Item 207. Last continued at
Councilmember Mathis's request, for further review.)

SUBJECT: Time Limit Parking on La Jolla Boulevard and Bird Rock
Avenue.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Do not adopt the following resolution:

(R-98-1213) CONTINUED TO JULY 20, 1998

Establishing an unmetered two-hour time limit parking
zone on both sides of La Jolla Boulevard between
Forward Street and Bird Rock Avenue, and on the south
side of Bird Rock Avenue between La Jolla Boulevard and
the alley to the west, effective between the hours of
10:00 a.m. and 6:00 p.m., Sundays and certain holidays
excepted;

Authorizing the installation of the necessary signs and
markings; declaring that the regulations shall become
effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This item is regarding a proposal to establish a two-hour time
limit parking zone on both sides of the 5600 block of La Jolla
Boulevard between Forward Street and Bird Rock Avenue, and on the
south side of Bird Rock Avenue from La Jolla Boulevard to the
alley to the west. The proposal was submitted by a petition of

property owners and businesses representing 73 percent of the affected frontage. The proposal is supported by the Bird Rock Community Council, the La Jolla Traffic and Transportation Board, Promote La Jolla, the La Jolla Town Council, and the La Jolla Community Planning Association. Recent parking studies on a typical weekday during regular business hours, between 10:00 a.m. and 6:00 p.m., revealed an average parking space occupancy of 58 percent on the east side and 45 percent on the west side, and an average parking duration of 2.92 hours and 1.77 hours, respectively, on the subject block of La Jolla Boulevard. Typically, a two-hour time limit is appropriate where parking space occupancy is 75 percent or higher, and average parking duration is three hours or higher. Therefore these data indicate adequate parking availability under the current, unrestricted condition. Additionally, time limit parking in this area may have an adverse impact on the surrounding neighborhoods by diverting commuter parking to nearby residential streets. Therefore, this action is not recommended. When time limit parking was proposed at this location in 1996, several residents of nearby streets contacted the City in opposition.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO CONTINUE THIS ITEM UNTIL JULY 20, 1998, AT HIS OWN REQUEST, TO GIVE COMMUNITY GROUPS AND INTERESTED PARTIES AN OPPORTUNITY TO REVIEW A POTENTIAL COMPROMISE. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-S403:

(Trailed as Unfinished Business from the meeting of June 9, 1998, Item 333.)

SUBJECT: Lease Agreement with International Aero Club, LLC, for .22 Acre Airport Viewing Area at Montgomery Field Airport.

(Kearny Mesa Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-98-129) INTRODUCED, TO BE ADOPTED JUNE 29, 1998

Introduction of an Ordinance authorizing the City Manager to execute a lease agreement with International Aero Club, LLC, for a .22 acre airport viewing area located on the north side of Montgomery Field Airport, for a term of 10 years, at an initial annual rent of \$1,400, which amount is consistent with the Approved Aviation Rental Rates for Montgomery Field.

NOTE: 6 votes required. Pursuant to Section 99 of the City Charter, a notice of public hearing was published in the Daily Transcript on 5/26/98.

CITY MANAGER SUPPORTING INFORMATION:

This ten-year lease replaces a renewable one-year permit that was executed in 1977 between the City and Specialty Restaurant d.b.a. 94th Aero Squadron (restaurant). On approximately December 12, 1997, Speciality Restaurant sold the restaurant and assigned its permit to Lessee with the City's consent. The remaining term on the permit expires on May 9, 1998. The premises is landscaped and used by the restaurant as an airport viewing area for its customers and as an access to adjacent public aircraft tiedowns. This is the highest and best use for the premises, because of its limited access.

Basic Terms and Conditions of the Agreement:

Premises: .22 acres on the north side of Montgomery Field
Airport

Lease Term: Ten years, commencing on May 10, 1998

Flat-Rate Rent: The initial annual rent is \$1,400, which is
consistent with the approved Aviation Rental Rates for Montgomery
Field. The rent will be adjusted periodically to reflect changes
in the Consumer Price Index (CPI).

Security Deposit: \$1,400.

Use: Fenced airport viewing area and access to aircraft
tiedowns.

Maintenance: Lessee shall maintain the improvements to the
City's satisfaction, at Lessee's expense.

The lease contains all other standard City lease terms and
conditions.

Conclusion: By the City approving this agreement, the restaurant
will be able to continue using the airport viewing area, and the
City shall continue receiving revenue from an otherwise unusable
area.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO INTRODUCE THE ORDINANCE. Second
by Wear. Passed by the following vote: Mathis-yea,
Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-not present, Vargas-yea, Mayor Golding-yea.

* ITEM-S404:

SUBJECT: Adding a Rules Committee Meeting on Monday, 6/29/98 at
9:00 a.m.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-98-1512) ADOPTED AS RESOLUTION R-290275

Amending the Schedule of Meetings and Standing Committees of the City Council for the period of January 1, 1998 through December 31, 1998, by adding the Rules, Finance and Intergovernmental Relations Committee meeting on Monday, June 29, 1998 at 9:00 a.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO ADOPT. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

ITEM-S405: REFERRED TO CLOSED SESSION

SUBJECT: Century Aerospace - Closed Session - Real Property Negotiator.

In the matter of seeking the City Council's direction regarding negotiations with Century Aerospace for property located on the southwestern portion of Brown Field Airport.

Pursuant to the Brown Act (California Government Code Section 54956.8) this issue must be listed on the docket for public testimony prior to Council discussion in Closed Session.

TODAY'S ACTION IS:

1) Open the Public Hearing and accept testimony from any members of the public who wish to address the Council on this subject; 2) Close the public hearing; and 3) Refer the matter to Closed Session on June 16, 1998.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: B189-631.)

The Public Hearing was opened, closed, and referred to Closed Session on June 16, 1998 by Mayor Golding.

ITEM-S406: RETURNED TO THE CITY MANAGER

(Continued from the meeting of June 8, 1998, Item 110.)

SUBJECT: Two actions related to North Torrey Pines Landscape Maintenance District.

(University Community Area. District-1).

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-98-1134)

Resolution of Intention to levy and collect 1999 annual assessments on North Torrey Pines Landscape Maintenance District.

Subitem-B: (R-98-1135)

Approving the City Engineer's Report.

FILE LOCATION: STRT-M-376-99

COUNCIL ACTION: (Tape location: B189-631.)

CONSENT MOTION BY MATHIS TO RETURN THIS ITEM TO THE CITY MANAGER FOR FURTHER REVIEW, AS REQUESTED BY THE CITY MANAGER. Second by Wear. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-not present, Vargas-yea, Mayor Golding-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 7:36 p.m. in honor of the memory of Thomas P. Nagle as requested by Council Member Stevens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: H047-072).